



In the Matter of:

MIKE LANGLEY GROVES,
Employer

Date Issued: FEB 3 1998
OALJ Case No.: 98-TLC-5

ORDER OF DISMISSAL

This matter arises under the temporary agricultural labor and services provision of the Immigration and Naturalization Act, 8 U.S.C. § 1101(a)(15)(H)(ii)(a), and its implementing regulations at 20 C.F.R. Part 655.

Following Employer's H-2A application for temporary labor certification for 20 positions, on January 14, 1998, the U.S. Department of Labor's Employment and Training Administration ("ETA") denied certification for these positions pursuant to 20 C.F.R. §§ 655.105(a) and (d). On January 20, 1998, Employer formally requested a hearing before this Office, seeking review of the Regional Administrator's denial of certification. As grounds for its request, Employer argued that although it secured suitable alternate housing for its workers, because of a miscommunication between its agent and the ETA inspector, the alternate housing was not inspected. Employer therefore sought an order directing ETA to inspect the alternate housing site.

This Office conducted telephone conference calls with the parties on February 2 and 3. The Solicitor, appearing on behalf of the Regional Administrator, agreed to contact ETA's Atlanta Regional Office and schedule an inspection of the alternate housing as quickly as possible. In light of this agreement, Employer retracted its request for a hearing before this Office. Accordingly,

IT IS ORDERED that this matter is hereby DISMISSED.

Entered this day, February 2, 1998, by:

JAMES GUILL
Associate Chief Judge

At Washington, D.C.